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12 Attorneys for defendant
13 HOUSEHOLD FINANCE CORPORATION OF CALIFORNIA

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 DEBRA ANN BAILEY, both individually
17 behalf of all others similarly situated,

18 Plaintiff,

19 vs.

20 HOUSEHOLD FINANCE
21 CORPORATION OF CALIFORNIA, and
22 DOES 1 through 10, inclusive,

23 Defendants.
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27
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Case No.: 10-cv-0857 WQH-RBB

**EX PARTE APPLICATION FOR
ORDER REGARDING
PRESERVATION OF
ELECTRONIC RECORDINGS OF
TELEPHONE CALLS;
MEMORANDUM OF POINTS
AND AUTHORITIES AND
DECLARATIONS OF TODD E.
FOLKES AND BRENDA J.
WOLFE IN SUPPORT THEREOF**

DATE: May 20, 2010

TIME: 10:30 a.m.

PLACE: Courtroom B (1st Floor)

EX PARTE APPLICATION

1 **TO PLAINTIFF AND HER COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on May 20, 2010, at 10:30 a.m., in
 3 Courtroom B (1st Floor) of the above-named Court, the Honorable Ruben B. Brooks
 4 presiding, defendant Household Finance Corporation of California ("Household") will
 5 and hereby does apply, *ex parte*, for an order that: (1) Household shall not be required
 6 to preserve electronic recordings of telephone calls with customers; and (2) in lieu of
 7 preserving electronic recordings of collection calls, Household shall produce call
 8 monitoring reports that document a statistically significant random sample of calls and
 9 catalog whether the call recording disclosure was properly provided for each call.
 10 Alternatively, if preservation is required, Household requests that the multi-million
 11 costs of preservation be shifted to plaintiff or shared equally between the parties.

12 This *ex parte* application is made on the ground that preservation of the data
 13 would be unduly burdensome in relation to its probative value in the litigation, and the
 14 call monitoring reports provide an adequate alternative and less burdensome source of
 15 relevant information.

16 This application is made following a meeting of counsel, and is based on this
 17 notice of *ex parte* application, the memorandum of points and authorities and
 18 declarations of Todd E. Folkes and Brenda J. Wolfe in support thereof, and such oral
 19 and documentary evidence as will be presented to the court at the hearing on this
 20 application.

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2 Plaintiffs counsel was given notice of this *ex parte* application on a telephone
3 call with the court at the time this hearing was scheduled.
4

5 Respectfully submitted,

6 DATED: May 19, 2010

KATTEN MUCHIN ROSENMAN LLP

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8 By: /s/ Gregory S. Korman
9 Gregory S. Korman
10 Attorneys for defendant HOUSEHOLD
11 FINANCE CORPORATION OF
12 CALIFORNIA
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